

- 2 The post-judgment interest on the judgment in favor of the United States of America and against CITGO under 28 U.S.C. § 1961 accrues on the total judgment of \$97,229,477.28 from August 17, 2016, at the rate of 0.56% applicable as of that date.
- 3 The words “and negligence” should be removed from paragraph 2 of the Court’s Final Order (Doc. 888) entered on August 17, 2016 because the United States Court of Appeals for the Third Circuit vacated the Court’s ruling in favor of Frescati on its negligence claim.
- 4 The stipulating parties propose that the District Court enter an Amended Final Order reflecting this stipulation, in the form attached as Exhibit A.
5. The stipulating parties further reserve all their rights to pursue certiorari review in the Supreme Court of the United States of the March 29, 2018 Judgment of the U.S. Court of Appeals and the Amended Final Order of the District Court. The time period within which the parties may petition the United States Supreme Court for certiorari is not extended as a result of the entry of the Amended Final Order of the District Court.

Respectfully submitted,

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Petroleum Corporation and CITGO
East Coast Oil Corporation*

SO STIPULATED:

THIS 13th DAY OF JULY, 2018.

APPROVED *July 17, 2018*

Joel Slomsky _____
JOEL H SLOMSKY, J

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re Petition of FRESCATI SHIPPING
COMPANY, LTD , as Owner of the M/T)
ATHOS I, and TSAKOS SHIPPING &
TRADING, S A., as Manager of the M/T)
ATHOS I, for Exoneration from or
Limitation of Liability)

CIVIL ACTION No 05-cv-305 (JHS)

CONSOLIDATED

UNITED STATES OF AMERICA,)
Plaintiff,)

CIVIL ACTION No 08-cv-2898 (JHS)

v)

CITGO ASPHALT REFINING)
COMPANY, et al.)

Defendants.)

AMENDED FINAL ORDER

AND NOW, this ____ day of _____, 2018, in accordance with the Opinion of the Court issued on July 25, 2016 (Doc No 872), the Court's Preliminary Order dated July 25, 2016 (Doc No 874), the letter of counsel dated August 17, 2016 regarding the agreed upon amount of prejudgment interest (Doc. No 885), this Court's Final Order (Doc No 888), the March 29, 2018 Judgment of the United States Court of Appeals for the Third Circuit, and the Stipulation regarding the Recalculation of the Damages and Prejudgment Interest (Doc No) between counsel for the United States of America, counsel for Frescati Shipping Company, Ltd and Tsakos Shipping and Trading S.A. ("Frescati") and counsel for CITGO Asphalt Refining Company, CITGO Petroleum Corp and CITGO East Coast Oil Corporation ("CITGO") in Civil Action No 08-CV-2898;

IT IS ORDERED that.



1 Paragraph 1 of the Court's previous Final Order (Doc No 888), entered on August 17, 2016 is hereby amended to remove the words "and negligence" because the United States Court of Appeals for the Third Circuit vacated the Court's ruling in favor of Frescati on its negligence claim.

2 Paragraph 2 of the Court's previous Final Order (Doc No 888), entered on August 17, 2016 is hereby amended to recalculate the amount of the judgment and interest in favor of the United States of America as follows.

"On the Government's subrogation claim for breach of the contractual safe berth warranty in which the Government seeks reimbursement by CITGO Asphalt Refining Company, CITGO Petroleum Corporation and CITGO East Coast Oil Corporation for the funds paid from the Oil Spill Liability Trust Fund to Frescati, Judgment is entered in favor of the Government and against CITGO Asphalt Refining Company, CITGO Petroleum Corporation and CITGO East Coast Oil Corporation, jointly and severally, in the amount of \$87,989,157.32, plus prejudgment interest in the amount of \$9,240,319.96, for a total judgment of **\$97,229,477.28** Post-judgment interest under 28 U S C § 1961 accrues on the total judgment from August 17, 2016 at the post-judgment interest rate applicable as of that date, which is 0.56% "

3 In all other respects, the Final order (Doc 888) remains unchanged and the Supersedeas Bonds (Docs 892 and 893), Rider to Supersedeas Bond (Doc 901), and Consent Order (Doc 891) shall remain in full force and effect

BY THE COURT:

JOEL H. SLOMSKY

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

_____)
In re Petition of FRESCATI SHIPPING)
COMPANY, LTD , as Owner of the M/T)
ATHOS I, and TSAKOS SHIPPING &)
TRADING, S A., as Manager of the M/T)
ATHOS I, for Exoneration from or)
Limitation of Liability)
_____)

CIVIL ACTION No. 05-cv-305 (JHS)

CONSOLIDATED

UNITED STATES OF AMERICA,)
Plaintiff,)
v)
CITGO ASPHALT REFINING)
COMPANY, et al.)
Defendants)
_____)

CIVIL ACTION No. 08-cv-2898 (JHS)

AMENDED FINAL ORDER

AND NOW, this 17th day of July, 2018, in accordance with the Opinion of the Court issued on July 25, 2016 (Doc No 872), the Court's Preliminary Order dated July 25, 2016 (Doc No 874), the letter of counsel dated August 17, 2016 regarding the agreed upon amount of prejudgment interest (Doc No 885), this Court's Final Order (Doc. No. 888), the March 29, 2018 Judgment of the United States Court of Appeals for the Third Circuit, and the Stipulation regarding the Recalculation of the Damages and Prejudgment Interest (Doc No) between counsel for the United States of America, counsel for Frescati Shipping Company, Ltd. and Tsakos Shipping and Trading S A ("Frescati") and counsel for CITGO Asphalt Refining Company, CITGO Petroleum Corp and CITGO East Coast Oil Corporation ("CITGO") in Civil Action No 08-CV-2898;

IT IS ORDERED that

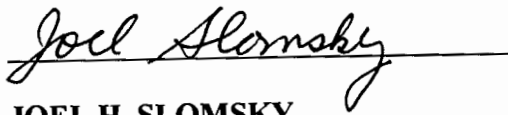
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"On the Government's subrogation claim for breach of the contractual safe berth warranty in which the Government seeks reimbursement by CITGO Asphalt Refining Company, CITGO Petroleum Corporation and CITGO East Coast Oil Corporation for the funds paid from the Oil Spill Liability Trust Fund to Frescati, Judgment is entered in favor of the Government and against CITGO Asphalt Refining Company, CITGO Petroleum Corporation and CITGO East Coast Oil Corporation, jointly and severally, in the amount of \$87,989,157.32, plus prejudgment interest in the amount of \$9,240,319.96, for a total judgment of **\$97,229,477.28**. Post-judgment interest under 28 U.S.C. § 1961 accrues on the total judgment from August 17, 2016 at the post-judgment interest rate applicable as of that date, which is 0.56% "

3 In all other respects, the Final order (Doc 888) remains unchanged and the Supersedeas Bonds (Docs 892 and 893), Rider to Supersedeas Bond (Doc 901), and Consent Order (Doc 891) shall remain in full force and effect

BY THE COURT:


JOEL H. SLOMSKY